

October 3, 2018

The City Council conducted a Work Session on the above date. Mayor Maefsky called the meeting to order at 6:30 p.m. The following were present: Council members Bob Hegland, Steve Kronmiller, Chris Ness, Jim Schneider and Mayor Christine Maefsky. Staff members present: City Administrator Neil Soltis and Deputy Clerk Brenda Eklund.

APPROVAL OF THE AGENDA

Mayor Maefsky announced that Item #4 would be moved up in the agenda, and discussion on the Forest Lake School District referendum was added at the end of the meeting as Item #10.

Ness, seconded by Kronmiller, moved to approve the agenda as amended. The motion carried 5-0.

DISCUSSION ON STORMWATER FACILITY FAILURE AT THE BHE RENEWABLES SOLAR SITE

Jim Shaver, Administrator of the Carnelian-Marine-St. Croix, described the action taken by his agency following the failure of a stormwater basin at the Argo Navis/BHE Renewables Solar Site at 21205 St. Croix Trail, site of the former Zavoral gravel pit operated by Tiller Corporation. Rainfall totaling 4.3” fell on September 20th, causing discharge over the emergency overflow. Runoff flowed down the bluff, impacting the wetlands and stream leading into the St. Croix River, resulting in erosion and sediment deposits to sensitive areas. BHE began repairs to the site shortly after the rain event. Shaver stated that a Notice of Deficiency of the Stormwater Maintenance Agreement was sent to the solar developer on September 21st. Multiple agencies including the DNR and Washington Conservation District are investigating the situation and the actions needed for permanent remediation.

Representatives present at the meeting included the Engineer for Car-Mar Watershed Carl Almer, DNR Specialist Jen Sorenson, National Park Service Manager Byron Karnes, Wendy Green of BHE Renewables, and Mike Caron from Tiller Corporation. Shaver stated that the Watershed’s permit had approved the stormwater facilities to create retention storage for up to twelve inches of rainfall. A site meeting is scheduled for October 12th with the Technical Evaluation Committee, at which time a lead entity will be designated for the investigation and remediation.

Lisa Schlingerman, David Bowlin and Laurie Allman were present and asked questions about the failure. An update on the on-going investigation will be made at the October 16th Council meeting.

DISCUSSION ON REQUEST FROM US SOLAR TO RECONSIDER COMMUNITY SOLAR GARDEN ORDINANCE

Jane Qualey and Reed Richardson, US Solar, were present with a request for the City to reinstate the solar garden ordinance and to permit development of community solar gardens. In September 2017, the City repealed the solar ordinance that had permitted six community solar gardens up to that point. An initial discussion on this topic was held with the Planning

Commission in August, but since reinstating the ordinance will be at the Council's discretion, US Solar was looking for direction in what standards the Council would consider.

Council members noted that mono-pole interconnections, geographic limitations, buffers between gardens, type of connections such as utility boxes, real estate tax implications, decommissioning costs, and potential of hazardous materials are areas that need information.

Qualey and Richardson agreed to return to the next Work Session for further discussion. They offered to provide a map of potential locations in the vicinity of Xcel's 3-phase power line to show a theoretical maximum, and examples of solar ordinances implemented in other communities that address similar concerns.

DISCUSSION ON UPDATE TO ROAD MAINTENANCE POLICY FOR PLATTED BUT UNOPENED STREETS

Following discussion at the September Work Session, Council directed staff to draft a policy that the City would not maintain unopened road rights-of-way that exist throughout the City being used as driveways. Administrator Soltis described the language that would be incorporated into the City's right-of-way policy.

Council members asked that the policy be clarified to address trees blocking a driveway and the City's liability related to personal use of public property. Staff will bring back revised language to a future meeting.

DISCUSSION ON CITIZEN REQUEST MANAGEMENT PROGRAM

Administrator Soltis described a service offered by GovOffice, the company that provides the website platform, that would implement a citizen request management program to users of the website, at a cost of \$150/month. It would also provide a streamlined approach to staff in managing public works tasks and citizen complaints. Soltis explained that it would provide improved citizen engagement and greater transparency.

Council member Hegland said that it would be an efficient management tool and moved to approve its implementation. Ness seconded the motion for discussion.

Council members were concerned that complaints that should be made under the condition of anonymity could have the potential to become public data, and that the tool would be flooded with unnecessary complaints. Soltis said his past experience with this type of reporting did not become flooded with baseless notices. Hegland said that the City should commit to one year and then could back out if it was not providing the anticipated outcome.

Kronmiller called for a vote on the above motion. The motion carried 4-1, with Ness opposed, who stated that he was not sure if complainants' names would be confidential.

DISCUSSION ON PAY EQUITY REPORT

Administrator Soltis provided an update on the state's required filing of the pay equity report, due by October 31st. An initial report indicated an inequity in pay scales for the Deputy Clerk and Maintenance Worker positions. Soltis stated that the report will be filed as presented, with

an adjustment to the Deputy Clerk step scale to be in the range of the current Maintenance Worker pay scale. This report and adjustment will be on the October 16th Consent Agenda.

Soltis explained the third step of pay compliance will be to have a consultant evaluate and reassign job point totals for all six jobs, as job responsibilities have changed since points were last assigned in 2009. Typically, jobs are evaluated every 3 years. Soltis will present more information on working with a consultant for this task at a future meeting.

DISCUSSION ON FINANCIAL POLICY CHANGES

Administrator Soltis described the current fund balance policy that calls for maintaining fund balance of 35% to 50% of the total general operating fund to carry over into the next year may not provide sufficient operating funds until property tax revenue is received in July. Soltis recommended revising the policy to 50% to 65% to ensure that adequate funds are available.

During the ratings call for the street improvement bond, Standard and Poors requested information on financial policies and recommended the City have an investment policy. Soltis presented a draft of this language that would formalize the investment options for the City and establish investment objectives. Soltis noted that language should be added to the draft that “US Securities are held until maturity”. In answer to when the City would invest, Soltis explained that Capital Improvement Funds may be an opportunity for short-term investments.

Council members voiced no objections to the recommendations. Staff will prepare an amendment to the Fund Balance Policy and a resolution for adoption of an investment policy for the October 16th Consent Agenda.

FUTURE WORK SESSIONS

Topics to be covered at the next Work Session will include further discussion on solar, the unopened streets policy, spillage from the former gravel site, and an update on speed studies.

FOREST LAKE SCHOOL DISTRICT REFERENDUM

Mayor Maefsky presented a resolution similar to one adopted in Hugo urging support of the Forest Lake School District operating levy referendum for the November 6th election. Maefsky stated that schools reflect the community they serve and the Council should stand behind support for the school. Council member Kronmiller stated that all residents suffer from poor schools and a community can become aged and dying as a result.

Council member Hegland said endorsing political issues is an inappropriate position for a Council to take. Council member Schneider agreed that the Council should not interfere with this voter issue.

Maefsky, seconded by Kronmiller, moved to adopt Resolution No. 10-03-18-01, Urging Support of the Forest Lake School District Operating Levy Referendum. The motion failed 2-2, with Hegland and Schneider voting no, and Ness abstained.

Council member Ness said it was a last-minute addition to the agenda, and he would like more time to research the financial numbers provided in the resolution. Council agreed to continue a

discussion and vote on the resolution at the October 16th meeting.

ADJOURNMENT

Ness, seconded by Kronmiller, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk